

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Southern California Gas Company for Authority Pursuant to Public Utilities Code Section 851 to Sell Certain Real Property in Playa del Rey, California.

Application 99-05-029

**ADMINISTRATIVE LAW JUDGE'S RULING
DENYING MOTION OF PROTESTANTS TO
COMPEL DISCLOSURE OF UTILITY WELL RECORDS**

Summary

This ruling denies the motion of the Grassroots Coalition, Earthways Foundation, Ballona Ecosystem Education Project, and Spirit of the Sage Council (collectively Protestants) to compel disclosure of the well records maintained by Southern California Gas Company (SoCalGas) for each of the wells associated with the oil and gas storage leasehold interests.

Background

On May 12, 1999, SoCalGas filed an Application (A.) 99-05-029, with the Commission pursuant to Pub. Util. Code § 851,¹ seeking authorization to sell vacant lots located in Playa del Rey and Marina del Rey, California. Some of the lots contain abandoned and capped oil and gas wells. A number of nearby

¹ Unless otherwise noted, all code references are to the Cal. Pub. Util. Code.

residents and interest groups filed protests to the Application raising environmental, health, and safety issues concerning the abandoned wells.

In January 2000, the assigned Administrative Law Judge (ALJ) determined that SoCalGas' Application triggered an environmental review under the California Environmental Quality Act (CEQA). SoCalGas was instructed to file a Preliminary Environmental Assessment and the CEQA process began.

As part of the Commission's on-going regulation of SoCalGas, the utility is required to provide well records to the Commission's Energy Division (ED). In addition, since the CEQA process began, the CEQA review team has also been receiving and reviewing the well records of SoCalGas.

On March 25, 2003, Protestants filed a motion to compel SoCalGas to disclose its well records. SoCalGas responded to the motion on April 9, 2003. A hearing on Protestants' motion was heard on April 21, 2003.

Arguments

Protestants support their motion to compel disclosure of SoCalGas's well records on the ground that the requested data is necessary "for evaluation of the environmental risks posed by allowing development to take place over the old wells, and no longer having the wells available for monitoring and for performing well workovers associated with well leaks. These data are also critically needed for performing an independent determination of whether the lots, and associated wells, are necessary for the ongoing safe operations of the gas storage field."²

² Protestants' motion to compel well records filed March 25, 2003, p. 2.

In summary, Protestants oppose the sale of the abandoned lots because they believe it is unsafe to allow residential construction over and adjacent to old oil and gas wells, and the lots must be kept vacant to allow for the monitoring of leaks from the wells. Protestants allege that old wells have a long history of leaking, and the leakage creates health and safety hazards, not just to the lot purchasers, but also to the surrounding community.

SoCalGas opposed the motion because 1) Protestants fail to state to whom these well records must be disclosed, and why; 2) the request is overbroad as it covers wells that are not the subject of this application; 3) the records have already been produced to the Commission and its CEQA team; and 4) the California Department of Oil, Gas, and Geothermal Resources (DOGGR) has jurisdiction over SoCalGas' abandonment of natural gas wells.

Discussion

While Protestants' arguments about the health and safety issues that can arise from leaking wells are compelling, the well records from the wells that are the subject of SoCalGas' application have already been produced to DOGGR, the Commission's ED staff, and the CEQA team. DOGGR has the statutory responsibility to see that wells are abandoned to current standards and are not leaking if buildings are to be constructed over them, the Los Angeles Department of Building and Safety (LADB&S) has the responsibility to review building permits to determine if the property is in a known oil and gas area, and the Commission has the responsibility to comply with CEQA. There has been no indication that DOGGR or LADB&S had not had access to SoCalGas's well records when appropriate, the Commission's ED staff review the well records as part of the Commission's on-going regulatory function, and the CEQA team has had access to the well records as needed and requested.

There is no reason at this time to compel SoCalGas to disclose the well records from the abandoned wells that are associated with any of the lots that are the subject of this application, and there is no justification to compel the utility to disclose any other well records. More importantly, the motion does not even indicate to whom Protestants want the documents disclosed, other than to argue that they are needed for an “independent determination of whether the lots, and associated wells, are necessary for the ongoing safe operations of the gas storage field.” DOGGR, LADB&S, the Commission’s ED, and the CEQA team are not adversaries in this proceeding. Any and all of these professionals function as an “independent” in analyzing and reviewing well records produced by SoCalGas.

IT IS RULED that the motion to compel disclosure of the well records maintained by Southern California Gas Company (SoCalGas) for each of the wells associated with the oil and gas storage leasehold interests is denied, without prejudice. Protestants may renew the motion when, and if, have facts and points and authorities to support such a motion.

Dated July 11, 2003, at San Francisco, California.

/s/ Carol Brown

Carol Brown
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Denying Motion of Protestants to Compel Disclosure of Utility Well Records on all parties of record in this proceeding or their attorneys of record.

Dated July 11, 2003, at San Francisco, California.

/s/ Antonina V. Swansen

Antonina V. Swansen

N O T I C E

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